

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

DURHAM SCHOOL SERVICES, L.P.  
Employer

and

Case 32-RC-150090

TEAMSTERS LOCAL 853, INTERNATIONAL  
BROTHERHOOD OF TEAMSTERS, CHANGE TO  
WIN  
Petitioner

ORDER

The Employer's Request for Review of the Regional Director's Decision and Certification of Representative is denied as it raises no substantial issues warranting review.<sup>1</sup>

KENT Y. HIROZAWA, MEMBER

LAUREN McFERRAN, MEMBER

Member Miscimarra, dissenting:

The Employer argues that the Board's Final Rule on representation case procedures violated its procedural due process rights and otherwise prejudiced the Employer, and frustrated employees' Section 7 rights. I expressed my disagreement with these procedures in my dissent to the Final Rule. 79 Fed.Reg. 74308, at 77430-74460 (Dec. 15, 2014) (dissenting views of Members Miscimarra and Johnson). In the instant case, for similar reasons, I would grant the Employer's Request for Review on the basis that it raises substantial questions regarding the effect and application of the Board's Final Rule. See *Pulau Corporation*, 363 NLRB No. 8 (2015) (Member Miscimarra, dissenting). In all other respects, I join my colleagues in denying review.

PHILIP A. MISCIMARRA, MEMBER

Dated, Washington, D.C., November 4, 2015.

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<sup>1</sup> In denying the Employer's Request for Review, we agree with the Regional Director that the Employer untimely raised its argument challenging the validity of the Board's revised representation case procedures.

